IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

Bail Appl..No. 2099 of 2007

SC.142/2006 of SESSIONS COURT, KASARAGOD DIVISION AT HOSDURG
CRIME NO.228/1998 OF HOSDURG POLICE STATION

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APPLICANT/ACCUSED

B.M.SAMEER, AGED 27 YEARS,
S/O. MOIDEEN KUNHI, BEKAL, BEKAL P.O.,
KASARAGOD DISTRICT.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING S.H.O., HOSDURG.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2099/2007

Dated this 2nd day of April, 2007

O R D E R

The petitioner, who is the third accused in Crime No.228/1998 of Hosdurg Police Station for offences punishable under Sections 143, 147, 148, 448, 324 and 395 IPC and also under Section 25(c) of the Telegraph Act seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in S.C.No.676/1999 on the file of the Assistant Sessions Court, Hosdurg, the case against him and three others was split up and re-filed as S.C.No.142/2006. Admittedly, non bailable warrants of arrest are pending against the petitioner. According to the petitioner, he was employed abroad after the committal of the case and was therefore, unable to appear before the trial Court and he did not receive any summons in this case from the trial Court. That is a matter which the petitioner will have to appraise the trial Court. Such being the position, I am not inclined to nullify the process issued by a court of competent jurisdiction by granting anticipatory bail. There is

no reason why the petitioner should not surrender before the trial Court and seek regular bail.

3. Accordingly, if the petitioner surrenders before the trial Court and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after examining the explanation offered by the petitioner for his previous non appearance and also after considering his contention that all the accused persons except A3, A6, A8 and A10 have been acquitted after trial in S.C.No.676/1999.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs